

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

E.I. DU PONT DE NEMOURS AND
COMPANY.

Plaintiff,

v.

MECHANICAL INTEGRITY, INC.

Defendant and

Third Party Plaintiff,

v.

NDT EQUIPMENT SERVICES LTD.

Third Party Defendant

C.A. No. 07-346 (SLR)

**SUPPLEMENTAL DECLARATION OF MIKE WALKER IN SUPPORT OF NDT
EQUIPMENT SERVICES LTD.'S MOTION TO DISMISS**

I, Mike Walker, declare as follows:

1. I was named as a Third Party Defendant in the above entitled action pending before the U.S. District Court for the District of Delaware, but have since been dismissed from that action. I make this Declaration of my own personal knowledge, and if called upon as a witness would competently testify to the facts set forth in this Declaration.

2. I was contacted by Mechanical Integrity, Inc. ("MI"), in my capacity as an Inspection Technician of NDT Equipment Services Ltd. ("NDT"), to perform a demonstration or trial of long range ultrasonic inspection at the E.I. DuPont de Nemours & Company ("DuPont") facility located in Louisville, Kentucky.

3. NDT was not a party to any contract between DuPont and MI.

4. NDT was not aware of any written contract between DuPont and MI and was not aware of the terms and conditions of the contract between DuPont and MI until MI brought its Third Party Complaint against NDT in the above entitled action.

5. NDT did not participate in any capacity in the negotiations relating to the contract between DuPont and MI.

6. The terms and conditions of the contract between DuPont and MI were never explained or provided to NDT.

7. NDT has never agreed to be bound by the contract between DuPont and MI.

8. NDT is not a party to any contract that requires it to consent to the jurisdiction of the federal or state courts located in Delaware.


9. NDT has never been involved in litigation with DuPont or MI, and has never sought to enforce through litigation or otherwise the contract between DuPont and MI.

10. My initial dealings with MI regarding the DuPont facility were with the late John McMillan ("McMillan"). My subsequent dealings with MI regarding the DuPont facility were with Mike Sens ("Sens"). My understanding from my dealings with MI regarding the DuPont facility was that this work was simply a demonstration or trial and was not an actual inspection contract. My understanding was confirmed in a subsequent communication with Sens, which is attached hereto as Exhibit A.

11. After arriving in Louisville, Kentucky, I was taken the following day to the DuPont site by Sens where I met representatives from DuPont. A DuPont representative then escorted Sens and me to the pipeline in question. I was never supplied with the written scope of work or any pipeline drawings showing any specific areas where DuPont or MI required the ultrasonic tests to be made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 24-3-08



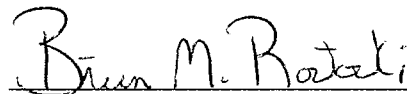
Mike Walker

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2008, I electronically filed with the Clerk of Court the SUPPLEMENTAL DECLARATION OF MIKE WALKER IN SUPPORT OF NDT EQUIPMENT SERVICES LTD.'S MOTION TO DISMISS using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel.

Sarah Elizabeth DiLuzio
Potter Anderson & Corroon LLP
1313 N. Market Street, 6th Floor
Wilmington, DE 19801

Louis J. Rizzo, Jr.,
Reger Rizzo Kavulich & Darnall, LLP
1001 Jefferson Plaza
Suite 202
Wilmington, DE 19801

A handwritten signature in black ink, reading "Brian M. Rostocki", is written over a horizontal line.

Brian M. Rostocki

Exhibit A

Mike Walker

From: Michael Sens [msens@mechanicalintegrityinc.com]
Sent: 05 December 2007 21:11
To: mikendt1@aol.com
Cc: Mike Walker
Subject: RE: Update

I went up to meet with our insurance company lawyers firm a few months back. They probably served the papers to acquire the raw data based on that meeting. The lawyer seems pretty confident that if it goes to trial he can present evidence that we did not miss the damaged area of line in our inspection that we simply could not inspect that area of piping. They plan on calling David Alleyne as an expert witness on guided wave inspections and having him review the data I believe. If you haven't already spoken with David about this I know John had asked David to do this quite some time ago. We thought that maybe since John's passing this would be dropped. The lawyer said it changes nothing. I did spend the day with the lawyer explaining the basics of guided wave inspection and that the first inspection seemed more of an equipment demonstration than a critical inspection, which is what DuPont is making it out as. When you get in an area where you can easily make calls again we will speak on the phone.

Michael Sens

From: mikendt1@aol.com [mailto:mikendt1@aol.com]
Sent: Friday, November 30, 2007 2:54 AM
To: msens@mechanicalintegrityinc.com
Subject: Re: Update

Hi Mike

I am currently 400 miles into the desert in Libya with no phone connection and very poor Internet (Sat link)

I was sad to hear about John and I did let Adam know. I have picked up on the various newsletters that have been sent out, it looks like you have been promoted?

I had an email from my office and it looks like both NDT and Myself have been served with papers re the Dupont situation, do you know anything about this? I have not seen the papers but the office has forwarded to our Lawyer.

I have no problem with California but I need to get the Dupont situation out the way.

Best Regards

Mike

-----Original Message-----

From: Michael Sens <msens@mechanicalintegrityinc.com>
To: Mike Walker <mikendt1@aol.com>
CC: Mike Walker <mike@ndtequipment.co.uk>
Sent: Fri, 30 Nov 2007 5:34 am
Subject: Update

23/03/2008

Hello Mike,
I haven't heard from you in quite some time. I hope all is well. I'm assuming you heard about John's passing a couple of months back. I have some interesting news about Shell in Wilmington California where you and I did all of that road crossing work. They were sold to Tasoro and apparently are picking up on that project in force. Justin went out to look at it a couple of weeks ago. He spoke with John Smith I believe but he didn't mention anything about that nitwit Chuck. He did say Grady, John McCormick, Leo Cardenas, and Larry V were all out there the week before putting in a bid. Justin tried to push the fact that we did all of the previous work and still have all the old data and reports. They asked about your and my availability as well as my taking the Shell test. Haven't heard anything back yet but they did say only us and Impro are being allowed to bid on it. P.S. Did anyone tell Adam Davenport about John?

Michael Sens

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AOL's new homepage has launched. Take a tour now.

Scanned by MailDefender - managed email security from intY - www.maildefender.net

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.503 / Virus Database: 269.16.13/1169 - Release Date: 03/12/2007 22:56

23/03/2008